

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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LUIS EDUARDO HERRERA FLORES,
Plaintiff,

v.

JERMYN CONTRACTING CORP.; GOLIATH
CONSTRUCTION, INC.; MEADOWBROOK
BUILDERS, INC.; and PETER GLASS,
individually and as Officer of Jermyn
Contracting Corp., Goliath Construction, Inc.,
and Meadowbrook Builders, Inc.,
Defendants.
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**ORDER ADOPTING REPORT
AND RECOMMENDATION**

21 CV 5630 (VB)

Briccetti, J.:

Before the Court is Magistrate Judge Paul E. Davison’s Report and Recommendation (“R&R”), dated August 22, 2022 (Doc. #61), computing damages after the Court granted plaintiff’s motion for a judgment of default against defendants. (Doc. #53). Judge Davison recommended that the Court enter judgment against defendants in the total amount of \$164,669.15, consisting of:

1. Unpaid overtime wages in the amount of \$65,280.00;
2. Liquidated damages in the amount of \$65,280.00;
3. Statutory damages for wage statement violations in the amount of \$5,000.00;
4. Prejudgment interest in the amount of \$9,965.90;
5. Attorney’s fees in the amount of \$17,239.25; and
6. Costs in the amount of \$1,904.00.

The Court presumes the parties’ familiarity with the factual and procedural background of this case. For the following reasons, the Court adopts the R&R as the opinion of the Court.

A district court reviewing a magistrate judge's report and recommendation "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). Parties may raise objections to the magistrate judge's report and recommendation, but they must be "specific[,] written," and submitted within fourteen days after being served with a copy of the recommended disposition. Fed. R. Civ. P. 72(b)(2); 28 U.S.C. § 636(b)(1).

The district court may adopt those portions of a report and recommendation to which no timely objections have been made, provided no clear error is apparent from the face of the record. Lewis v. Zon, 573 F. Supp. 2d 804, 811 (S.D.N.Y. 2008); Nelson v. Smith, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985).

No party objected to Judge Davison's thorough and well-reasoned R&R.

The Court has reviewed the R&R and the underlying record and finds no error, clear or otherwise.

CONCLUSION

The R&R is adopted in its entirety as the opinion of the Court.

The Clerk is instructed to enter judgment in favor of plaintiff and against defendants Jermyn Contracting Corp., Goliath Construction, Inc., Meadowbrook Builders, Inc., and Peter Glass in the total amount of \$164,669.15, consisting of:

1. Unpaid overtime wages in the amount of \$65,280.00;
2. Liquidated damages in the amount of \$65,280.00;
3. Statutory damages for wage statement violations in the amount of \$5,000.00;
4. Prejudgment interest in the amount of \$9,965.90;
5. Attorney's fees in the amount of \$17,239.25; and

6. Costs in the amount of \$1,904.00.

The Clerk is further instructed to close this case.

Dated: September 30, 2022
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read 'Vincent Briccetti', written over a horizontal line.

Vincent L. Briccetti
United States District Judge